ABORIGINAL AFFAIRS AND INTERGOVERNMENTAL RELATIONS

OVERVIEW

MISSION

The Department of Aboriginal Affairs and Intergovernmental Relations is responsible for negotiating, implementing and monitoring land, resources and self-government agreements, including Treaty land entitlements; managing the GNWT's relations with the federal government, and with provincial, territorial and Aboriginal governments and circumpolar countries, in all matters of intergovernmental significance; and providing strategic advice on matters pertaining to federal-provincial-territorial-Aboriginal relations.

GOALS

1. The conclusion of land, resources and self-government agreements in a manner that respects the inherent right of self-government and ensures an overall effective, affordable and workable system of governance, capable of providing an adequate and comparable level of quality programs and services to all NWT residents.

2. The successful ongoing implementation and monitoring of land, resources and self-government agreements by ensuring all GNWT obligations within the agreements are met.

3. Constructive and co-operative intergovernmental relations with federal, provincial, territorial, Aboriginal and foreign governments that are based on mutual respect.

BUDGET (2008/09)

Compensation & Benefits	$4,924,000
Grants & Contributions	$650,000
Other O&M	$906,000
Amortization	$20,000
Infrastructure Investment	-

POSITIONS (2008/09)

Headquarters (HQ)	32 positions
Regional/Other Communities	0 positions

KEY ACTIVITIES

- *Corporate Management*
- *Negotiating Land, Resources and Self-government Agreements*
- *Implementing and Monitoring Land, Resources and Self-government Agreements*
- *Managing the GNWT's Intergovernmental Relations*

STRATEGIC ACTIONS

The department will take the following actions in support of the government's strategic initiatives:

- *Continue to Develop Governance (Managing This Land Initiative)*

STRATEGIC ISSUES

One of the priorities of the 16th Legislative Assembly is "a strong and independent North built on partnerships". Building and sustaining these partnerships will require securing support for many of our initiatives from the federal and Aboriginal governments. Success will also depend on our collective ability to understand the linkages between, and cumulative impacts of the various initiatives, including devolution, finalization of land, resources and self-government agreements, land use planning activities, and the development of land and water strategies. DAAIR's participation at the *Managing This Land Initiative* has contributed to making these connections.

The priorities of the 16th Legislative Assembly also identify "building strong partnerships with northern governments on areas of common interest" and "fulfilling our implementation responsibilities for existing land claim and self-government agreements, and making best efforts to reach final agreements in ongoing negotiations".

The scope and nature of these agreements affect all NWT residents - directly or indirectly - and will have a significant impact on the political and constitutional development of the NWT. It is therefore imperative that the GNWT remain an independent party to the negotiation of all land, resources and self-government agreements and actively shape the architecture of the system of governance in the NWT.

Aboriginal rights negotiations are underway in all regions of the NWT and will continue to shape the framework for land and resource management and the future governance structure of communities and regions. As resident and non-resident Aboriginal governments seek to confirm their Aboriginal and Treaty rights within the NWT, it will be critically important for the GNWT to actively participate in all of these negotiations to ensure that the resulting agreements reflect the NWT's interests and priorities.

While Aboriginal rights negotiations are complex and thus lengthy, DAAIR is nearing the conclusion of the first partnership self-government agreement in the NWT with the Sahtu Dene and Métis of Délı̨nę, who have chosen to implement their inherent right of self-government through an inclusive, community based, Aboriginal government that will serve and represent all residents. Finalizing this agreement, securing the resources necessary to implement it, and establishing a constructive intergovernmental relationship with the new Délı̨nę Got̨ı̨nę Government will set important precedents for other agreements and will represent a significant step forward.

Increased Number of Negotiating Tables

DAAIR expects that the federal government will create several new negotiating tables in the NWT and invite the GNWT to participate as an independent party to these negotiations. These new negotiations will include: community based negotiations with the Kátlodééche First Nation, Fort Good Hope self-government negotiations, Nacho Nyak Dun First Nation trans-boundary negotiations, and Dene Tha' trans-boundary negotiations. The federal government, Acho Dene Koe First Nation and the GNWT have recently signed a framework agreement to begin community based land and resources negotiations.

Overlapping Claims

Aboriginal rights negotiations in the NWT are becoming increasingly complex due to the overlapping interests of many Aboriginal governments. It is critically important that these negotiations incorporate governance and resource management solutions that respect these overlapping interests while providing for effective governance and resource management regimes.

Financing Self-government Implementation

Responsibility for financing the implementation of self-government agreements is an outstanding issue between public and Aboriginal governments. To date, the federal government has not acknowledged that there are significant incremental costs associated with the assumption of jurisdictions, and associated program and service delivery responsibilities by Aboriginal governments under self-government agreements. With Délı̨nę self-government negotiations approaching completion, it is increasingly critical that all governments come to a common understanding respecting the financing of self-government agreements in the NWT.

Intergovernmental Services Arrangements with Aboriginal Governments

In instances where the inherent right of self-government is implemented through exclusive Aboriginal government, serving and representing only its members, the GNWT needs to consider how it will meet its responsibility to provide services to resident non-members. The GNWT will work with Aboriginal governments to identify options that will ensure the efficient and cost-effective delivery of programs and services.

Effective Intergovernmental Relations with other Governments

As a large territory with a small population and only one federal political representative, the GNWT needs to continue to invest in, and enhance, its relations with the federal, provincial and other territorial governments to ensure that northern interests and issues continue to be discussed at the national level and brought to the attention of all Canadians.

Government to Government Relations with Aboriginal Governments

It is crucial to the continued political and economic development of the NWT and our collective ability to speak with a proud and unified voice that all governments - both public and Aboriginal - continue to identify and address common issues and interests. Supporting Aboriginal governments to engage in this dialogue and strengthening our partnerships with them will significantly improve our collective ability to engage effectively with the federal government on matters of importance to all northern residents.

CORPORATE MANAGEMENT

Description

The **Directorate** manages the internal operations of the department and provides strategic advice and support to the Minister on the department's mandate. The division is also responsible for coordinating financial and business planning activities and provides support and leadership in the areas of human resource and records management. The division administers the grants and contributions program available to Aboriginal governments and organizations.

The **Policy, Legislation and Communications Division** provides policy advice, information and assistance to the department and the Minister in all aspects of the department's mission. A central function of the division is to develop and periodically review the negotiating mandates that guide the GNWT's negotiating teams at all land, resources and self-government negotiations. The division is responsible for the department's communication projects and strategies, including the fulfillment of GNWT communication responsibilities arising from negotiations. The division also leads the development of the legislation required to implement land, resources and self-government agreements.

2008/09 Resources

Budget:

Compensation & Benefits	$1,706,000
Grants & Contributions	$300,000
Other O&M	$372,000
Amortization	$20,000

Staffing (Positions):

Headquarters (HQ)	8 positions
Regional/Other Communities	0 positions

Major Program and Service Initiatives

DAAIR will lead a mandate review to ensure they are consistent with the context, complexities and circumstances of evolving and new negotiations.

DAAIR will develop approaches for creating policy expertise in a variety of negotiation areas to enhance the support provided to the GNWT's negotiating teams.

KEY ACTIVITY 1: NEGOTIATING LAND, RESOURCES AND SELF-GOVERNMENT AGREEMENTS

Description

The **Negotiations Division** is responsible for leading the GNWT's participation at land, resources and self-government negotiations in the NWT. Successfully concluding land, resources and self-government agreements throughout the NWT will lay the foundation for attaining political certainty and building mutually respectful government to government relations and realizing the economic potential of the NWT.

Major Program and Service Initiatives

DAAIR will streamline negotiating teams, develop centres of expertise, and consolidate functions in order to deal with the increased number of negotiating tables and increasing complexity of negotiations.

In addition, DAAIR will place greater emphasis on the early formative stages of negotiations to ensure that there is sufficient common ground between the parties to reach an agreement. This work will also include looking ahead toward describing a common vision of what an implemented agreement will mean.

At all stages of the negotiation process, negotiating teams will be supported by a variety of specialists who will have specific expertise regarding the matters being negotiated.

There will be greater emphasis in coordinating negotiating tables and increasing the information flow among negotiating teams. This will ensure better overall consistency respecting overlapping interests.

2008/09 Budget:

Compensation & Benefits
$1,796,000

Grants & Contributions
None

Other O&M
$276,000

Amortization
None

Staff (Positions):

14 HQ
0 Regional/Other

Measures:

Measure 1: Number of active negotiations

Measure 2: Number of negotiating sessions attended

Measure 3: Milestones reached in negotiating agreements

Measure 4: Number of agreements signed

KEY ACTIVITY 2: IMPLEMENTING AND MONITORING LAND, RESOURCES AND SELF-GOVERNMENT AGREEMENTS

Description

The **Implementation Division** is responsible for negotiating implementation plans and related financing agreements, including incremental costs, associated with implementing land, resources and self-government agreements. It is also responsible for negotiating a comprehensive approach for self-government financing with the federal government.

Fulfilling the GNWT's obligations under land, resources and self-government agreements ensures that Aboriginal governments and the people they represent enjoy the benefits of their agreements, builds the foundation for mutually respectful government to government relations and promotes comparable levels of programs and services throughout the NWT.

Major Program and Service Initiatives

DAAIR will focus on the negotiation of fiscal agreements and implementation plans required to finalize well-advanced land, resources and self-government agreement negotiations.

Fulfilling the GNWT's obligations under existing land, resources and self-government agreements will continue to be a priority for DAAIR. DAAIR will increase its coordination and education initiatives to ensure that all departments are aware of their respective obligations.

DAAIR will develop approaches to program and service delivery in a post self-government environment that will consider concurrent jurisdictions of the GNWT and Aboriginal governments.

DAAIR will continue to work with the federal and Aboriginal governments to ensure that the costs of self-government are understood early on in the process.

DAAIR will also do its part to ensure that all northern governments have the capacity to fully implement land, resources and self-government agreements.

2008/09 Budget:

Compensation & Benefits
$550,000

Grants & Contributions
None

Other O&M
$56,000

Amortization
None

Staff (Positions):

4 HQ
0 Regional/Other

Measures:

Measure 1: Number of Pre-effective Date Plan and Implementation Plan Activity Sheets negotiated

Measure 2: Milestones reached in negotiating agreements

Measure 3: Number of meetings on self-government financing

Measure 4: Number of departmental information and advisory sessions

Measure 5: Number of GNWT-related issues brought before Implementation Committees for resolution

KEY ACTIVITY 3: MANAGING THE GNWT'S INTERGOVERNMENTAL RELATIONS

Description

The **Intergovernmental Relations Division** promotes and advances the GNWT's commitment to develop and maintain mutually respectful intergovernmental relations between the GNWT and federal, provincial, territorial, Aboriginal and international governments. In doing so, the division protects, develops and promotes the interests and aspirations of NWT residents in the GNWT's intergovernmental relations activities.

Major Program and Service Initiatives

DAAIR will continue to support the Premiers' participation in all meetings with the Prime Minister, other key federal ministers and with other Premiers in order to advance the GNWT's key strategic priorities.

DAAIR will strengthen its focus on developing respectful and effective intergovernmental relations with Aboriginal governments and will pursue an increased number of bilateral meetings and regular multilateral meetings with Aboriginal governments.

DAAIR will establish and administer an Aboriginal Intergovernmental Meetings Fund intended to assist Aboriginal governments in preparing for and offsetting the costs of engaging with the GNWT.

DAAIR will determine the most effective way in which our government's presence in Ottawa can help us realize our key goals.

DAAIR will fulfill the GNWT's commitment to hosting upcoming intergovernmental meetings such as the 2008 and 2011 Northern Premiers' Forums (NPF) and the 2011 Western Premiers' Conference (WPC).

2008/09 Budget:

Compensation & Benefits
$872,000

Grants & Contributions
$350,000

Other O&M
$202,000

Amortization
None

Staff (Positions):

6 HQ
0 Regional/Other

Measures:

Measure 1: Number of multilateral and bilateral meetings with Aboriginal governments

Measure 2: Number of bilateral and multilateral First Ministers' meetings/ conferences attended

STRATEGIC INITIATIVE: MANAGING THIS LAND
Action: Continue to Develop Governance

Description

Recognizing the influential and far reaching implications of Aboriginal rights agreements, the GNWT is a party to all land, resources and self-government negotiations in the NWT, with DAAIR representing the government's interests at these negotiations. However, effectiveness at negotiations does not result from merely attending negotiations. It is strategic negotiating teams, cognisant of the broad implications of modern treaties, supported by carefully considered mandates that will result in final agreements providing for effective governance and the sound management of land and resources.

While it is important to negotiate sound and effective final agreements, it is equally critical to develop comprehensive and sustainable implementation plans and financing agreements that realize both the spirit and intent of these agreements. An integral element of successful implementation is the establishment of ongoing mutually respectful government to government relations.

In order for DAAIR to fully and effectively support this strategic action, additional resources will be required.

Objectives

To ensure that the GNWT has the capacity to more effectively represent territorial interests during the negotiation and implementation of all land, resources and self-government agreements, including the capacity to actively participate in all new negotiating tables that may arise during the course of this planning period.

Action Plan

Planning work for the development of a reinvestment proposal to fulfill the objectives of this strategic action will be undertaken during 2008-2009 and will:

- Establish the appropriate number of GNWT negotiating teams, including a balanced level of support services, to effectively participate at all negotiation tables.
- Improve the effectiveness of negotiations through the exploration of governance models and the implementation of self-government.
- Facilitate a dialogue with Aboriginal governments on matters that support the GNWT's *Managing This Land* initiative.

INFRASTRUCTURE INVESTMENTS

The department does not anticipate any infrastructure investments during the four-year planning period.

LEGISLATIVE INITIATIVES

The department anticipates bringing forward one legislative initiative during the four-year planning period as follows:

Title:

Dél̨nę Self-government Agreement Settlement Legislation

Main Elements:

Legislation will be required to confirm the validity of the Dél̨nę Self-government Agreement.

Target Date for Submission of Legislative Proposal:

This legislative initiative will be brought forward following the completion and ratification of the Dél̨nę Self-government Agreement, the Implementation Plan and the Financial Agreements.